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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Eddie Dunbar,

11 Petitioner, 2:04-cv-1176-GEB-PAN-P

12 vs.

13 A. K. Schribner, et al.,

14 Respondent. ORDER

15 _____ /
16 Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of
17 this court's June 28, 2005. denial of his application for a writ of habeas corpus. Before petitioner
18 can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R.
19 App. P. 22(b).

20 A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the
21 applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C.
22 § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues
23 satisfy the required showing or must state the reasons why such a certificate should not issue.
24 Fed. R. App. P. 22(b).

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For the reasons set forth in the magistrate judge's June 2, 2005, findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability should not issue in this action.

IT IS SO ORDERED.

Dated: January 26, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge